

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division

LINDA DARNELL GERVIN,

Plaintiff,

v.

Case No. _____

CARY JAMES DONATTO AND CLEAN
HARBORS ENVIRONMENTAL SERVICES,
INC.,

Defendants.

NOTICE OF REMOVAL

Defendant Clean Harbors Environmental Services (“Clean Harbors”), by counsel, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, file this Notice of Removal to remove this action from the Circuit Court for the City of Newport News, Virginia. In support of its Notice of Removal, Defendant states as follows:

1. On July 13, 2016, Plaintiff filed suit against Clean Harbors in the Circuit Court for the City of Newport News, Virginia, case number CL1602430B-04, seeking \$25,876,341.09 in compensatory damages and \$350,000.00 in punitive damages. On October 5, 2016, Clean Harbors was served, through its registered agent, with the Complaint and a Summons. Copies of the Summons and Complaint are attached pursuant to 28 U.S.C. § 1446 (Exs. A and B), as is a copy of Clean Harbors’ Answer (Ex. C) and Demurrer (Ex. D).

2. This Court has original jurisdiction over this action under 28 U.S.C. § 1332 as there is complete diversity and the amount in controversy exceeds \$75,000.00. Accordingly, this action may be removed to this Court by Clean Harbors under 28 U.S.C. § 1441 and 1446, to wit:

A. Upon information and belief, Plaintiff Linda Darnell Gervin is, and was at the time this action was filed, a citizen and resident of the Commonwealth of Virginia;

B. Clean Harbors is a corporation organized under the laws of Massachusetts, and its principal place of business is located at 42 Longwater Dr., Norwell, Massachusetts 02061.

C. Upon information and belief, defendant Cary James Donatto is, and was at the time this action was filed, a citizen and resident of the State of Texas.

3. Pursuant to 28 U.S.C. § 1446, this Notice is filed within 30 days after service of the Summons and Complaint on Clean Harbors.

4. Venue is proper pursuant to 28 U.S.C. § 1391.

5. Contemporaneous with filing this Notice of Removal, Clean Harbors will provide notice of such filing to counsel for Plaintiff and the Clerk of the Circuit Court for the City of Newport News as required by 28 U.S.C. § 1446(d).

6. Undersigned counsel understands that Defendant Donatto, the only other defendant, consents to removal, and his counsel will file a separate consent to removal.

WHEREFORE, this Court has original jurisdiction over the action and all procedural requirements have been met. Therefore Defendant Clean Harbors Environmental Services, Inc., by counsel, requests that this Court remove this action from the Circuit Court for the City of Newport News, Virginia.

**CLEAN HARBORS
ENVIRONMENTAL SERVICES, INC.**

By Counsel

/s/

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CERTIFICATE

I hereby certify that on the 24th day of October, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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